



Atty. Docket No.: 5532.P020

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Craig M. Janik, et al.

Serial No.: 10/052,057

Filed: October 19, 2001

For: AUTOMOTIVE STORAGE AND PLAYBACK
DEVICE AND METHOD FOR USING
THE SAME

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) Examiner: Unassigned
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) Art Unit: 2661
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Assistant Commissioner for Patents
Washington, D.C. 20231

PETITION TO PROVE APPLICATION WAS FILED WITH ALL PAGES

Sir:

In response to the Notice to File missing Parts of Application mailed March 18, 2002, Applicants respectfully submit a petition to contest the Patent Office's statement that page two of the specification was missing from the application papers filed on October 19, 2001. Included are the following items:

1. a declaration of Archana B. Vittal;
2. a copy of the filing receipt;

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FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

on May 16, 2002
Date of Deposit

Signature

Carla Zavala
Name of Person Mailing Correspondence

5-16-02
Date

05/22/2002 RHEBHT 0000041 10052057 130.00 02 FT:122

3. a copy of the utility patent application as filed with the U.S. Patent and Trademark Office on October 19, 2001; and

4. a copy of the express mail certificate.

Applicants also respectfully point out that page two is the "Background" section of the application. Accordingly, the patent application as filed still fulfills the requirements of 35 USC 112 since the Background recites prior art rather than enabling the current invention or providing best mode of the current invention. Applicants respectfully submit and provide evidence with both the declaration, copy of the express mail certificate, and certificate of mailing that page 2 of the application was submitted to the patent office. However, Applicants also respectfully point out that because the Background section of page 2 recites the prior art, page 2 would not be considered new matter pertaining to the current invention.


Applicants respectfully request consideration of the enclosed petition and corresponding documents. Applicants respectfully point out that Applicants properly filed the application with page two. Applicants have submitted the \$130 petition fee pursuant to the Notice of Missing Parts. However, Applicants respectfully submit that the error arose through the Patent Office and request a refund of the submitted petition fee.

Please charge any additional fees or credit any overpayment to our Deposit

Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 5/16, 2002.
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Archana B. Vittal
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